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ABSTRACT

This political studies course for grades seven through nine emphasizes the relationship between youth and law, illustrating the way law works in a democracy. Emphasis is upon students learning to appreciate the need for law and knowing their basic rights and responsibilities as American citizens. Rather than a memorizing exercise, it is an attempt at student involvement in relating law to their own experience. Arranged like other quinmester courses, it includes a broad goals section, a content outline, objectives, learning activities, and materials. Four units are: 1) Bases of Law; 2) You and the Police; 3) You and the Courts; and, 4) Liberty and Justice for All. Supplementary materials include several cases for mock trials. Other social studies quinmester courses are: SO 002 708 through SO 002 718, SO 002 768 through SO 002 792, and SO 002 949 through SO 002 970. (Author/SJM)

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AUTHORIZED COURSE OF INSTRUCTION FOR THE QUINMESTER PROGRAM

DADE COUNTY PUBLIC SCHOOLS

DIVISION OF INSTRUCTION • 1971

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SOCIAL STUDIES

THE LAW AND YOU

6470.03

Written by

Spero McConnell

for the

Division of Instruction
Dade County Public Schools
Miami, Florida
1971

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INTRODUCTION

This course of study was written as part of a total effort to revise curriculum to fit the quinmester administrative organization of schools. The materials and information in this guide are meant to be neither all-inclusive nor prescriptive; but rather, an aide to teachers as they plan instructional programs, taking into account student needs and characteristics, available resources, and other factors.

The major intent of this publication is to provide a broad framework of goals and objectives, content, teaching strategies, class activities, and materials all related to a described course of study. Teachers may then accept the model framework in total or draw ideas from it to incorporate into their lessons.

The guide is divided into 1) a broad goals section, 2) a content outline, 3) objectives and learning activities, and 4) materials. The first section provides descriptive and goal-oriented information for the teacher; "indicators of success" refers to suggested prerequisite or corequisite experiences. The content outline illustrates, in general terms, the scope and major subdivisions of the course. The objectives and learning activities section, hopefully, provides a total picture of the concept or main idea and specific behavioral objectives for a set of given learning activities. The materials section of the guide lists resources in four categories: essential textual or other material; alternate classroom materials to use in place of or in addition to the aforementioned; supplementary teacher resources; and supplementary student resources. The appendix may include other material appropriate for a specific course: e.g. pretests, readings, vocabulary, etc.

Anyone having recommendations relating to this publication is urged to write them down and send to, Social Studies, Room 306 Lindsey Hopkins.

James A. Fleming
Social Studies Consultant

"PROCEDURAL RIGHTS ARE THE INDISPENSABLE KEY TO POLITICAL FREEDOM."

(Barth, 1963)

COURSE DESCRIPTION: A STUDY OF LAWS AND THE REASONS FOR THEM. EMPHASIS IS ON THE RELATIONSHIP BETWEEN YOUTH AND THE LAW, AND THE WAY LAW REALLY WORKS IN EVERYDAY LIFE.

CLUSTER: Political and Economic Studies
GRADE LEVEL: 7-9
COURSE STATUS: Elective
INDICATORS OF SUCCESS: None

COURSE RATIONALE: Through this course the student will gain, hopefully, an appreciation of the need for law and knowledge, of his basic rights and responsibilities as an American citizen. It is the writer's intent for this course to be related to the experience of the students involved; therefore, there is a great deal of reliance on student involvement and discussion and little reliance on memorizing information about laws, courts, etc.

COURSE GOALS:

I. THE STUDENT WILL EXPLAIN THE BASES FOR LAW IN THE UNITED STATES.

II. THE STUDENT WILL EVALUATE HIS OWN RELATIONSHIP TO THE POLICE IN AMERICAN SOCIETY.

III. THE STUDENT WILL ANALYZE THE ROLE OF THE COURTS, WITH EMPHASIS ON JUVENILE COURTS, IN HIS OWN LIFE.

IV. THE STUDENT WILL EVALUATE THE STATEMENT THAT HE HEARS EVERY MORNING, ". . . WITH LIBERTY AND JUSTICE FOR ALL."

COURSE CONTENT OUTLINE

Part I. Bases of Law:

A. Why is law necessary?
B. How did our law develop?
C. What are the types of law?
D. What are your basic rights under the law?
E. Are we a nation of laws or of men?
F. What are your responsibilities in a democracy?

Part II. You and the Police:

A. What is the role of the police in a democratic society?
B. Are the police performing their duties?
C. What are some ways in which young people come in contact with the police?
D. What is the attitude of most young people toward the police?
E. What is the attitude of the police toward most young people?
F. What action does the policeman take toward the young person in trouble?
G. What are the rights of the young person in trouble?

Part III. You and the Courts:

A. What is the role of the courts in the United States?
B. What is the difference between juvenile courts and regular courts?
C. Who goes to a juvenile court?
D. What is the procedure used by most juvenile courts?
E. Can decisions of juvenile courts be appealed?
F. What is the role of the Supreme Court?

Part IV. Liberty and Justice for All:

A. What is the difference between liberty and justice and law and order?
B. Can we have law enforcement and liberty?
C. Why is it said that "power is always dangerous"?
D. What is meant by due process of law?
E. Did you ever say, ". . . with liberty and justice for all"?
F. What did <u>you</u> mean when you said it?

I. THE STUDENT WILL EXPLAIN THE BASES FOR LAW IN THE UNITED STATES.

A. Why is law necessary?

B. How did our law develop?

C. What are the types of law?

D. What are your basic rights under the law?

E. Are we a nation of laws or of men?

F. What are your responsibilities in a democracy?

RECOMMENDED MATERIALS FOR GOAL I

Part I. Bases of Law

1. Copies of the First Amendment to the Constitution.
2. A Civics Casebook.
3. Encyclopedias.
4. Copies of the Declaration of Independence and the United States Constitution.
5. Handout describing "Kinds of Laws."
6. Film, "Due Process of Law Denied" and/or
7. Paperback books, The Ox-Bow Incident.
8. Current newspapers and magazines.
9. The Scholastic Kit, "Law: You, the Police, and Justice."
10. State adopted text, Youth and the Law.
11. Handout of story about Catherine Genovese.

GOAL: THE STUDENT WILL EXPLAIN THE BASES FOR LAW IN THE UNITED STATES.

FOCUS	OBJECTIVE	LEARNING ACTIVITIES
I. BASES FOR LAW: A. Why is law necessary? Note: There is an inservice course on the role of police and the schools, which includes tours of the crime laboratory and the jail. Teachers of this quin are urged to participate if they can. Call Staff Development and ask about the institute on "Student Attitudes Toward Civil Responsibilities: Police and the Schools, A Search for Understanding." Teachers of "Law and You" can possibly arrange to ride in a patrol car (if health and other factors permit) by calling the Community Service Section of the Public Safety Department (377-7829).	A. The student will decide for himself if law is necessary.	1. The teacher can best show need for law by "denying a basic right of a student." Since most students are familiar with the First Amendment to the Constitution, the teacher might use one of these rights to help the student decide for himself if law is necessary. Statements such as the following might be used to provoke class discussion: "Anyone who does not go to church tonight will be arrested." "Anyone who speaks of this 'law' with any other person or group will be arrested." "The newspapers, radio, or television cannot comment on this law. To do so will mean loss of license and imprisonment." "Anyone who attempts to protest by gathering with others will be arrested." The teacher should now read the First Amendment, which states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances." The focus of the discussion should be on, "Congress shall make no law. . ." Questions to be asked are: 1. What does this mean? 2. To which congress does it apply? 3. Does it apply to all congresses? 4. Why is it necessary to make such a statement in our Bill of Rights?

FOCUS	OBJECTIVE	LEARNING ACTIVITIES
		5. Can you suggest ways in which our society might be different today if this amendment did not exist? 2. Have students read Part I of Your Rights and Responsibilities as an American Citizen: "A Children's Island." This answers the questions, "Do we need laws?" and "How should they be written?" Discuss. 3. Have each student write a brief (one page) paper stating his position and giving reasons for his position regarding the need for law.
3. How did our laws develop?	B. Student will tell in his own words (written report, oral report, tape recording, homemade movie, scrapbook, etc.) how our laws developed. He will include the following areas: What is meant by "law"? How custom and society influenced the development of law. The influence of religion. The importance of Roman and English law. The importance of the Declaration of Independence and the Constitution of the United States.	The teacher may use one of several methods to help students get at basic information. A combination of the following is suggested: 1. Library research using an encyclopedia. Topics might include: a. Early customs and law. b. Religion and law. c. Roman law. d. English law. e. Equity. f. Legislation of law. g. Public law. h. International law. 2. Teacher lecture on the topic. 3. Guest speakers from the Dade County Bar Association or law students from the University of Miami.

FOCUS	OBJECTIVE	LEARNING ACTIVITIES
C. What are the types of law?	C. The student will cite examples of the following kinds of law: 1. Common law 2. Statutory law 3. Criminal law 4. Civil law	1. Teacher might hand out description of the kinds of law and discuss each with the class. He should have students give examples of each law. 2. Divide the class into four groups. Have each group research and report on one of the kinds of law.
D. What are your basic rights under the law? Note: Students should be given copies of the 4th, 5th, 6th, and 14th amendments. Time should be spent in class reading these amendments and discussing the meanings.	D. The student will be able to name the basic rights as spelled out in the 4th, 5th, 6th, and 14th amendments to the Constitution. He should be able to give reasons why each amendment is important.	1. Use Unit V-B, "Due Process of Law and Judicial Powers," pp. 87-112, of A Civics Casebook. 2. Show the film, "Due Process of Law Denied," or assign a number of good readers to read the book, The Ox-Bow Incident. 3. Have students read about and discuss the arrest and conviction of any criminal as reported in the local press and/or the arrest of protesters during the May 1, 1971 protests in Washington, D. C. 4. The play "The Take-Over" from the kit - "Law: You, the Police, and Justice" - might be a part of this unit. 5. Students should study and discuss "What are the Rights of the Accused?" - pp. 124-128 of Law: You, the Police, and Justice. Or the teacher should read or reproduce the Escobedo Decision and the Sheppard Decisions for the class. 6. The student should read, "A Convict Who Changed the Law," pp. 129-135 of Law: You, the Police, and Justice. Or the teacher should read or reproduce the Gideon Case. 7. Have the students conduct several role-playing incidents on the circumstances of several of the cases mentioned above in activities 5 and 6.

FOCUS	OBJECTIVE	LEARNING ACTIVITIES
2. Are we a nation of laws or men?	E. The student should be able to state in his own words the meaning of this question. He should present a valid argument for one or the other.	1. Research should take place to get an answer to the question, "Are we a nation of laws or men?" The students should consult government and political science textbooks, plus conduct polls among policemen, judges, lawyers, teachers of civics or government. 2. The class might like to have a debate or panel discussion on the topic.
3. What are your responsibilities in a democracy?	F. The student will state his opinion as to what his responsibilities - if any - are in a democratic society.	1. The teacher might use Law: You, the Police, and Justice, pp. 147-158. 2. Or Youth and the Law, pp. 1-15, might be used as a discussion springboard. 3. Re-show "Due Process of Law Denied" or have class reports on The Ox-Bow Incident. Discuss the film or book as to what the student would have done had he been a citizen of the town. 4. Reproduce the story of Catherine Genovese, the New York City woman who was murdered March 13, 1964, while thirty-eight watched and did nothing to help. Discuss this or similar stories in reference to responsibilities in a democracy. 5. Have each student read the preamble to the Constitution and respond to the following questions: a. Where does the power to make laws come from in the United States? Write the part of the preamble which answers this question. b. List the reasons for writing the Constitution. After you list them try to put them in your own words. Did you find six reasons?

II. THE STUDENT WILL EVALUATE HIS OWN RELATIONSHIP TO THE POLICE IN AMERICAN SOCIETY.

A. What is the role of the police in a democratic society?

B. Are the police performing their duties?

C. What are some ways in which young people come in contact with the police?

D. What is the attitude of most young people toward the police? What is the attitude of the police toward most young people?

E. What happens to a young person when he gets in trouble? What action does the policeman take toward the young person in trouble?

F. What are the rights of the young person in trouble?

RECOMMENDED MATERIALS FOR GOAL II

Part II. You and the Police

1. Pictures of policemen.
2. Kit, "Law: You, the Police, and Justice."
3. Handout. "A Check List for Policemen."
4. Book, Youth and the Law.
5. Book, Juvenile Delinquency.
6. Book, Teenagers and the Law.
7. Current newspapers and magazines.
8. Summaries of the following court cases:
   a. Gault
   b. Gideon v. Wainwright
   c. Shepard v. Florida
   d. Escobedo v. Illinois
9. Copies of the following Amendments to the United States Constitution:
   a. First Amendment
   b. Fourth Amendment
   c. Fifth Amendment
   d. Sixth Amendment
   e. Fourteenth Amendment

GOAL: THE STUDENT WILL EVALUATE HIS OWN RELATIONSHIP TO THE POLICE IN AMERICAN SOCIETY.

FOCUS	OBJECTIVE	LEARNING ACTIVITIES
II. You and the Police A. What is the role of the police in a democratic society?	A. The student will discuss the role of the police in a democratic society.	1. Teacher might bring in a picture of a policeman (not performing a duty) and ask the class to tell what they think his role is in our society. a. The responses should be tape recorded or written down and reproduced for all the class. All responses should be allowed without value judging. b. A short written assignment might ask the student to write in his own words what he sees as the role of the policeman in our society. 2. Teacher should invite a policeman to talk to the class in a question and answer session about how he sees the role of the police in a democratic society. If a speaker cannot come to class, the teacher or a group of students might go to the police department and get a statement from a representative. Or the teacher should be prepared to present the police department's concept of the role of the policeman in a democratic society. A comparison should be made with the students' earlier responses. The differences and similarities in the views of the role should be discussed in detail. An attempt should be made to understand the reasons for any differences. 3. If the teacher has the kit, Law: You, the Police, and Justice the students might like to a. Discuss the drawings on pages 47 and 48 of the text. b. Read the story, "The Restless Ones," pp. 49-60. c. Put on the play, "What Should You Do When a Policeman Makes a Mistake?" pp. 61-63. d. Listen to the record from the kit--Band 4: Problems the Police Face.

FOCUS	OBJECTIVE	LEARNING ACTIVITIES
		4. Students might be asked to draw or make collages which demonstrate their image of the police in their community. These can be used as a basis for discussing the police role. 5. Students might be asked to describe the ideal policeman. In discussion the teacher can present analogies - e.g. if a pupil says police should not carry a gun, the teacher asks, what about during a riot? What about when apprehending an armed murderer? The purpose of the discussion is for students to infer the many facets of a policeman's job, the demands placed on him, the great sacrifices and risks people expect of him, for comparatively small reward.
B. Are the police adequately performing their duties?	B. After studying and recording the role of the police in our society the student will answer yes or no to the focus question and give adequate data to support his answer.	1. The student who has an understanding of the role of the policeman in a democratic society should be able to make a value judgement as to the performance of the police. It is important that students try to look at the police in general and not concentrate on a few individuals. 2. Students may need to research the reasons <u>why</u>, if they conclude that police are not performing some duties adequately. The research might involve trips to the police training academy and the police department, interviews with representatives of the police force, the community, the American Civil Liberties Union, lawyers. Then they can evaluate the police in light of pay, ratio of number of police to population, training, assigned tasks, risks, etc. Students should plan questions carefully <u>before</u> the interview. 3. Students may wish to study the police in their own community. a. An officer familiar with the area could come into class and discuss with the students the problems (including police/community relations) peculiar to that community. Again, careful planning with the class is essential. If some of the students are hostile toward police, they might be given a leadership position here; but the entire class formulate questions.

FOCUS	OBJECTIVE	LEARNING ACTIVITIES
		b. Parents of some of the students or other community adults could come in to discuss law enforcement in the area. c. In many areas students will have had personal experiences--both good and bad--to relate. d. A newspaperman could also be invited to the class to discuss law enforcement from his vantage point.
C. What are some ways in which young people come in contact with the police?	C. The student will be able to list ten ways in which he might come into contact with the police. Student should recognize the difference in degree of these contacts and classify them accordingly.	1. Students might "Brainstorm" ways in which they may come in contact with the police. These ideas should be listed on the board, or taken down by a class secretary. 2. An attempt should be made to group or classify the contacts. Such headings as "Friendly," "Helpful," "In Trouble," etc. might be used. 3. The teacher should focus on the "In Trouble" area as it will be used in later sections. Chapter 3, "Youth in Trouble" in Youth and the Law should be studied at this time. 4. The following are areas from "Youth in Trouble" which might be reviewed by class investigation and reports: a. General liability of youth b. Contracts c. Trespassing d. Curfews e. Drugs f. Drinking g. Interferring with Police h. Shoplifting

FOCUS	OBJECTIVE	LEARNING ACTIVITIES
		5. Chapter 1, "Profile of Juvenile Delinquency," in Juvenile Delinquency should also be studied at this time. The "Illustrations of Possible Delinquencies" might be used as a pre-test for this area. 6. The "How Well Do You Know the Law? A Quickie Quiz," from Teenagers and the Law might also be used as a pre-test. 7. A committee could be assigned to make a bulletin board on this topic, using current events.
D. What is the attitude of most young people toward the police? and vice versa?	D. The student should be able to state with some degree of accuracy the attitude of most young people toward the police and vice versa. He should be prepared to support his statement with research findings.	1. The class might be divided into four groups as follows: a. Groups A and B might look at recent public opinion polls (Roper, Gallup, Harris, etc.) as reported in newspapers and magazines for the results throughout the nation. These students should make charts or transparencies to share their findings with the class. Group A might present the attitude of the young toward the police. Group B the attitude of the police toward the young. b. Group C and D might make up and conduct a poll in the school and local community on the topic. Group C might poll the students; Group D the police. These students should also make charts and transparencies to share their findings with the class. 2. After the presentations a panel might be selected to discuss the attitudes of both groups. If possible, members of the two groups should be represented on the panel.

FOCUS	OBJECTIVE	LEARNING ACTIVITIES
		3. The record from the kit, Law: You, the Police, and Justice should be used with this unit. The teacher should play Side One: Band 2: "Students Talk About the Police," and Band 3: "One Policeman's Opinion." 4. An attempt should be made to make some generalizations. The students might be asked to write a brief paper on their findings and overall impressions.
E. What happens to a young person who gets in trouble?	E. The student will be able to tell another person what is likely to happen to a young person who is arrested by the police.	1. The record from Law: You, the Police, and Justice, Side Two, should be used as an introduction to this unit. This includes the following: Band 1: "Trial" Band 2: "Why Angel Didn't Run" Band 3: "The Judge Explains" There are discussion questions suggested in the teacher's guide, pp. 62 and 63. 2. Students should study Chapter 5, "The Correctional System for Juveniles" pp. 87-111 in Juvenile Delinquency. 3. Attempts should be made to have a series of guest speakers, as follows: a. Person representing the Juvenile Courts. b. Person representing youth hall. c. Person representing the police.

FOCUS	OBJECTIVE	LEARNING ACTIVITIES
F. What are the rights of the young person in trouble? (This is a follow-up unit to Part I, "What are your basic rights under the law?" aimed more at the young person in trouble.)	F. The student should outline his basic rights under the Constitution. He should apply to his own situation, the fourth, fifth, sixth, and fourteenth amendments to the Constitution.	1. The teacher should make an effort to get a description of the Gault Case for the students. (See pp. 106-107 of Juvenile Delinquency) Or have the students research this case through the use of the Readers' Guide to Periodical Literature. Discuss its significance. 2. A group of students acting as "legal experts" might be formed to discuss the importance of this decision to all juveniles. 3. A law student or lawyer might be invited to discuss the importance of the following decisions: a. Gault b. Gideon v. Wainwright c. Shepard v. Florida d. Escobedo v. Illinois 4. The students should also try to understand how each of the following constitutional amendments protects them: a. First b. Fourth c. Fifth d. Sixth e. Fourteenth The teacher might ask each student to read and translate each of these amendments into simple language. 5. Have students study "A Convict Who Changed the Law" from, Law: You, the Police, and Justice. This is the story of Clarence Earl Gideon. 6. Present students with several imaginary or real situations that might involve teenagers. Have them determine what constitutional amendment, if any, would apply to the case.

III. THE STUDENT WILL ANALYZE THE ROLE OF THE COURTS, WITH EMPHASIS ON JUVENILE COURTS, IN HIS OWN LIFE.

A. What is the role of the courts in our country?

B. What is a juvenile court? Who goes to a juvenile court? Who goes to a regular court? What is the procedure used by most juvenile courts?

C. How does this differ from regular courts?

D. Can decisions of juvenile courts be appealed? What is the role of the Supreme Court?

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RECOMMENDED MATERIALS FOR GOAL III

Part III. You and the Courts

1. Handout, "The Role of the Courts in the U.S."
2. The United States Constitution.
3. The book, Juvenile Delinquency.
4. Film, "What About Juvenile Delinquency?"
5. Film, "The Supreme Court."
6. The book, Voices for Freedom.
7. Mock Trials.
8. Filmstrip, This Honorable Court: The Supreme Court of the United States, 2 filmstrips with 2, 12-inch LP's or 2 cassettes, Guidance Associates, 1967. (Supreme Court from 1790 to mid 1960's.)

GOAL: THE STUDENT WILL ANALYZE THE ROLE OF THE COURTS, WITH EMPHASIS ON JUVENILE COURTS, IN HIS OWN LIFE.

FOCUS	OBJECTIVE	LEARNING ACTIVITIES
III. You and the Courts		
A. What is the role of the courts in the United States?	A. The student will describe the role of courts in the United States.	1. Article III of the United States Constitution outlines the establishment the judicial system in our country. The teacher should review this section with the students. 2. The teacher might start a discussion by questioning students about how they settle arguments. What is the role of a third party (mother, teacher, judge) in the settlement of arguments or disputes? 3. Films on the court system of the United States are available through the Dade Film Catalog.
B. What is a juvenile court? Who goes to a juvenile court? What is the procedure used by most juvenile courts?	B. The student should define and outline the procedures used in juvenile courts.	1. The teacher might use the book, Juvenile Delinquency, in this unit. Chapter 1, "Profile of Juvenile Delinquency," deals with the following: What is Juvenile delinquency? The scope of delinquency, and profile of the delinquent. Chapter 5, "The Correctional System for Juveniles," covers the following topics: Data on the handling of juvenile cases. Methods of handling complaints against juveniles. Correctional institutions and the parole system. Newer approaches in treatment of delinquent Guarantee of rights of juveniles - the Gault case. 2. A member of the juvenile court system might be invited to address the class. 3. Students might do library research on the questions in focus.

FOCUS	OBJECTIVE	LEARNING ACTIVITIES
		4. Show film, "What About Juvenile Delinquency?" 5. Arrange a field trip to observe juvenile court.
C. What is the difference between juvenile courts and regular courts of law?	C. Student should be able to list several differences between juvenile and regular courts of law.	1. A panel of students might research and discuss the difference between the courts. 2. Field trips might be arranged to the courts and a brief paper written on the differences the students were able to observe, followed by a comparison in discussion. 3. Invite a lawyer, judge and/or policeman to speak to the class. The young lawyers of the Dade County Bar Association will arrange for lawyers to visit your school.
D. What is a mock trial?	D. Student will set up and participate in a mock trial.	1. Allow time for the class to perform a mock trial. Small groups could demonstrate trials of varying kinds of cases. 2. The book, Voices for Justice, is filled with actual court hearings which are adopted for role-playing. 3. The kit, "Law: You, the Police, and Justice," also has play-trials. 4. Students might like to use one of the mock trial situations attached to set up their own trial. (See Appendix)

FOCUS	OBJECTIVE	LEARNING ACTIVITIES
E. What is the role of the Supreme Court? Can decisions of juvenile courts be appealed?	E. The student will describe the role of the Supreme Court. He should be able to answer correctly the question, "Can decisions of juvenile courts be appealed?"	1. Show film, "The Supreme Court." 2. From the book, Voices for Justice, the class might read Case 2, "A Supreme Court Hearing," and perform the role-playing exercise based on a simplification of the actual case In Re Gault. 3. Show filmstrip, This Honorable Court: The Supreme Court of the United States.

IV. THE STUDENT WILL EVALUATE THE STATEMENT THAT HE HEARS EVERY MORNING, ". . . WITH LIBERTY AND JUSTICE FOR ALL."

A. What is the difference between liberty and justice and law and order?

B. Can we have law enforcement and liberty? Do you agree with the statement, "Law enforcement is forever at odds with civil liberty." Why? Why not?

C. Did the men who wrote the constitution try to help the policemen?

D. Why is it said that, "power is always dangerous"?

E. Did you every say, "I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands. One nation, under God, with liberty and justice for all"?

ERIC

RECOMMENDED MATERIALS FOR GOAL IV

Part IV. Liberty and Justice for All

1. Kit, "Law: You, the Police, and Justice"
2. Current newspapers and magazines.
3. Copies of the First, Fourth, Fifth, Sixth, and Fourteenth Amendments.
4. The book, A Civics Casebook.
5. Quote from, Law Enforcement Versus the Law.
6. Films, Two Years before the Mast, Billy Budd, or Mutiny on the Bounty.
7. Civil Disobedience, 2 filmstrips with 2 12-inch LP's or 2 cassettes, Guidance Associates, 1969.

GOAL: THE STUDENT WILL EVALUATE THE STATEMENT THAT HE HEARS EVERY MORNING, " . . . WITH LIBERTY AND JUSTICE FOR ALL."

FOCUS	OBJECTIVE	LEARNING ACTIVITIES
IV. Liberty and Justice for all A. What is the difference between liberty and justice and law and order?	A. Given alternatives, the student will decide for himself what position he should take when he thinks a law is unjust.	1. Students should read "The Higher Law" from, Law: You, the Police, and Justice. 2. Better readers might read and report on Thoreau's Civil Disobedience, or the teacher can summarize it for the class, or show sound filmstrip, Civil Disobedience. 3. The focus of a discussion should be on "What should you do when your conscience tells you a law is wrong?" Students at this age might have difficulty thinking any law is wrong; the teacher must help them to realize it is not unpatriotic to think so. The two sections, "Where is Maria?" and "Is There a Higher Law?", give the student a chance to think about what to do when they think a law is unjust. 4. Have students prepare a brief "statement to the press" describing his stand on this question. 5. The topic may be approached on the school level--students may feel a school rule is unjust, or the teacher might fabricate an example. Discuss: a. How can you find out how to protest or express your objection to this rule (law)? b. What legal means do you have to get it changed? c. Can you resort to civil disobedience? What are the consequences? Is it worth it? How might it affect your friends? the school? parents? your future? d. What would Thoreau have done? (if students did activity 2 above)

FOCUS	OBJECTIVE	LEARNING ACTIVITIES
		e. Under what conditions would you engage in civil disobedience? (Elicit the notion that "liberty" has limits - people cannot be given the freedom to infringe on others' freedom.) 6. Refer to the quin course of study, Dissent and Change in American Society for further activities and resources.
B. Can we have law enforcement and liberty?	B. Student will assess the limits of liberty.	1. The teacher might allow the students to examine and discuss some contemporary examples of law enforcement and liberty. The newspapers and magazines are full of articles, such as the anti-war demonstrations and arrests, which cover this topic. 2. The teacher should review basic legal rights under the 1st, 4th, 5th, 6th, and 14th Amendments at this time. 3. The students might study Unit 11, "Freedom of Expression" from, A Civics Casebook. The following questions are answered by looking at actual court decisions: "Should you be free to say things that might put other people or your country in danger?" "Should you and your friends be free to gather together and ask the government to change laws?" "Should you be free to write or read anything you wish?"

FOCUS	OBJECTIVE	LEARNING ACTIVITIES
		Or use Unit IV, "Equal Protection of the Law," which answers the following questions: "Should everyone have the right to an equal education?" "Should everyone have the right to live where he chooses?" "Should a person who is hiring someone have to give all people an equal chance to get the job?" 4. Have volunteers write and put on skits illustrating situations where liberty and law enforcement (others' rights) might conflict. a. A man who does not want to sell his house to a Black (discussing it with his realtor). b. A student who wants to smoke in school and a student who thinks he should not. c. A boy who wants to drive 90 mph on an expressway. d. A youth who wants to cheat on a test.
C. Did the men who wrote the Constitution try to help the policemen?	C. Student will explain the rationale behind the writing of the Bill of Rights.	1. Examine the quote: "The authors of the United States Constitution--men by no means unconcerned about law and order--placed primary emphasis on rights of privacy, on immunity within certain areas from government interference. Intimate experience with arbitrary authority led them to be fearful of police power and to shackle it. The whole thrust of the Fourth, Fifth, and Sixth Articles of the Bill of Rights which they appended to the Constitution was to set limits for law enforcement--even at some sacrifice of efficiency." (Barth, Alan, "Law Enforcement Versus the Law," New York, N. Y.: Collier Books, 1963, p. 10.)

FOCUS	OBJECTIVE	LEARNING ACTIVITIES
		2. Students should answer the question, "What laws would you make that would protect you from unfair arrests, searches, seizures, and questioning?" 3. Class should study Unit V-A "Due Process and Law Enforcement Powers," pp. 57-85 of A Civics Casebook. 4. If the class does not have the book, A Civics Casebook, the teacher might summarize the following cases for the students to discuss: a. Mallory v. United States, 354 U.S. 449 (1957) b. McNabb v. United States, 318 U.S. 332 (1943) c. Snyder v. Massachusetts, 291 U.S. 93, 122 (1934) d. Spano v. New York, 360 U.S. 315 (1959) The teacher might call upon a lawyer or law student to assist in the discussion of these cases. 5. Have individuals report on recent Supreme Court decisions that affected law enforcement.
D. Why is it said that "power is always dangerous"?	D. Students will discuss the statement "power is always dangerous" and decide for themselves if it is valid.	1. Teacher might assign a group of good readers to read, Two Years Before the Mast and relate the story to the class. 2. If A Civics Casebook is available, assign group to read Part III, "What can happen if your laws give too much power to a ruler?"

FOCUS	OBJECTIVE	LEARNING ACTIVITIES
		3. The movies, "Two Years Before the Mast," "Billy Budd," and "Mutiny on the Bounty" are available through the Division of Instruction's Media Department. Any one of these will help motivate students to think about and discuss the question. 4. Discuss power as it relates to the Bill of Rights.
E. Did you ever say, "I pledge allegiance...."	E. The student will critically analyze the Pledge of Allegiance.	1. Discuss the 1970 case of the school teacher in Fort Lauderdale who refused to say the pledge. 2. Students might like to have small group sessions on this topic. The groups might reach agreement and then hold a panel discussion for the class. 3. Film, With Liberty and Justice For All, might be shown; or, The Red, White, and Blue, # 1-31478. This examines people's patriotic feelings. 4. Discuss the Pledge. What did you mean when you said this? What is the responsibility you accept when you say this pledge? Why do some people refuse to say this pledge? Do you think it is right? Should we make a law forcing all people who live in America to say the pledge? Why? Why not?

MATERIALS:

1. RECOMMENDED BASIC MATERIALS

Bassiouni, M. Cherif and Sister Tecla Shiel. Youth and the Law. Boston: Houghton Mifflin, 1970. (State adopted)

Hanna, John P. Teenagers and the Law. Boston: Ginn and Company, 1969. (paper)

Quigley, Charles N. Your Rights and Responsibilities as an American Citizen. Boston: Ginn and Company, 1967. (paper)

Van Dyke, Henry T. Juvenile Delinquency. Boston: Ginn and Company, 1970. (paper)

Kit: #6503, Law: You, the Police, and Justice. Scholastic Book Service, 904 Sylvan Avenue, Englewood Cliffs, N. J. 07632 (This Kit includes: 1 Teaching Guide, 36 Unit Anthologies, 36 Logbooks, 1 Record, 8 Posters, and a Bookshelf. Price is $60.00, plus shipping.)

2. ALTERNATE CLASS MATERIALS

A. Textual

Bromberg, Walter. How to Keep Out of Jail. New York: Franklin Watts, Inc., 1968. (paper)

Dorf, Philip. The Constitution of the United States. New York: Oxford Book Company, 1969. (paper)

Douglas, William O. Living Bill of Rights. New York: Doubleday, 1961. (paper)

Quigley, Charles N. and Longaker, Richard P. Voices for Justice. Boston: Ginn and Company, 1970. (paper)

Van Dyke, V. Human Rights in the United States. New York: Oxford Book Company, 1970. (paper)

B. Films

	Time	Dade County No.
Bill of Rights of the United States	16'	1-10229
Due Process of Law Denied	30'	1-30073
Freedom to Speak: People of New York vs. Irving Feiner	25'	1-31979
Justice Under Law: The Gideon Case	23'	1-31978
Law and Social Controls	10'	1-[illegible]
Mutiny on the Bounty	40'	1-40008
Our Living Constitution	11'	1-[illegible]
Our Living Declaration of Independence	15'	1-10157
Pledge of Allegiance	10'	1-[illegible]
Policeman, The	11'	1-[illegible]
Profiles in Courage: Ely, Richard T.	29'	1-31110
Profiles in Courage: Ely, Richard T.	28'	1-31111
Red, White, and Blue, The	27'	1-31478
Supreme Court, The	9'	1-[illegible]
Why We Respect the Law	14'	1-10225
With Liberty and Justice for All	30'	1-30058
With Liberty and Justice for All	30'	1-30060

C. Filmstrips

This Honorable Court: The Supreme Court of the United States. College Park, Georgia: Guidance Associates.
Civil Disobedience. College Park, Georgia: Guidance Associates. (Record and Filmstrip)

3. TEACHER REFERENCES

Barth, Alan. Law Enforcement Versus the Law. New York: Collier Books, 1963. (paper)

Cohen, Albert K. Deviance and Control. Englewood Cliffs, N. J.: Prentice-Hall, Inc., 1970. (paper)

Eichner, James A. Courts of Law. New York: Franklin Watts, Inc., 1969.

Fortas, Abe. Concerning Dissent and Civil Disobedience. Salt Lake City: Mercury World Publishing Co., 1969. (paper)

Irish, Marian D., and Prothro, J. W. Politics of American Democracy. Englewood Cliffs, N. J.: Prentice-Hall, Inc., 1959.

Leinwand, Gerald. Civil Rights and Civil Liberties. New York: Simon and Schuster, 1970. (paper)

McCutchen, Samuel, Fersh, George, and Clark, Nadine. Goals of Democracy. New York: The MacMillan Company, 1962.

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APPENDIX

CASE FOR MOCK TRIAL

Juvenile Court of the State of Florida versus She and He.

She was 14 years old, he 16. He had been dating for little over a year; she had not dated alone until tonight. Her mother had given permission to go to the school dance and then to his house where a small group of friends were to gather for after-dance hamburgers and soft drinks. He lived a few blocks from the school and one block from her.

At the dance he had excused himself several times and he told her he "wanted to grab a quick smoke in the boys' restroom." She noticed that he became quieter and more distant as the night went on. The dance was to end at eleven p.m., but he suggested they leave early to get ready for the kids who were coming to his house.

They left the dance at 10:15 p.m. and began to walk from the school to his house. When they were two blocks from the school he took a cigarette from his pocket and lit it. He took a deep drag from it and handed it to her. As she took it in her hand a patrol car pulled to the curb and a policeman got out of the car. Later, the only thing she remembered the policeman saying was, "You are both under arrest for the possession of marijuana."

CASE FOR MOCK TRIAL

State vs. Mr. A

The Bahama Belle, a motor ship which travelled between Miami and the Virgin Islands, was driven onto a reef and sank. All persons aboard this ship were lost in the disaster, except the ship's third officer and eleven passengers. The third officer was an experienced seaman, familiar with seamanship and navigation. He was competent in both.

The third officer, Mr. "A," after the sinking of the ship, found himself in charge of a life boat with eleven adult passengers and one infant. Normally the lifeboat would hold six adult passengers plus one crew member. The third officer noted that the water and rations in the boat were for seven persons for one week. The emergency "oilskins" and clothing were likewise for seven persons. Even more alarming, the gunwales of the boat were only 3 inches above the water and the sea was becoming rougher rapidly. "A" realized that the boat would have to be lightened quickly or all persons would be lost. The water and rations could not be disposed of. Four adults must go over the side--which ones?

These were his passengers:

1. Mr. B, 35, husband of Mrs. B and father of infant B. Employed as an engineer in the U.S. space program.
2. Mrs. B, 25, wife of Mr. B and mother of infant B, who was with his parents.
3. Mr. C, 74, retired real estate broker, wealthy.
4. Mrs. C, 69, wife of Mr. C.
5. Mr. D, 55, unmarried food broker.
6. Mr. E, 22, graduate student in the field of chemistry, unmarried.
7. Miss F, 19, college student.
8. Miss G, 19, college student.
9. Miss H, 33, school teacher, unmarried, acting as companion to Miss F and Miss G.
10. Mr. H, 37, father of three minor daughters who were not on this voyage, electrical contractor.
11. Mrs. H, 32, wife of Mr. H.

Reaching a quick, imperative decision the third officer "A" explained to the group the gravity of the situation. He then announced that four persons would, of necessity, have to go over the side in order that the others could possibly survive. He explained that he himself could not be one of those to go, as this would diminish the possibility of survival of those remaining to almost zero.

He then asked for four volunteers. This request was met with no response of any kind. A second, more urgent request proved to have the same response.

Realizing that immediate action was imperative, or all would meet with disaster, Mr. A ordered Mr. C, Mrs. C, and Mr. D, and Miss H immediately over the side. All refused; Mr. A explained the urgency of the situation and ordered Mr. B, Mr. E, and Mr. H to assist him in forcing the aforementioned persons over. Mr. C pleaded for his life and offered officer "A" first $100,000 and then $200,000 if he would spare his own and Mrs. C's life. Mr. A refused and both were quickly disposed of. Mr. D stated to the group that he understood the situation and quickly dived into the sea and disappeared. Miss H sobbed and refused to go. Mr. A, without assistance from anyone, forced her into the sea.

After this lightening of the vessel it rode considerably better. However, time after time it was almost inundated by the sea. It was only as a result of the skilled seamanship and navigation of Mr. A that the boat remained afloat. All agreed on this point. Each stated individually that he personally owed his own life directly to Mr. A, whom they felt should be awarded a medal and sum of cash for his heroism and skill. Never once during the three storm-tossed days and nights did any one of the passengers see "A" eat any food or drink any water. He insisted that his share go to the passengers.

After three days and nights the boat was picked up by the U.S. Coast Guard with all survivors of the "Bahama Belle" alive.

Soon after being returned to the U. S., the complete story was made public by newspapers, who interviewed the survivors. Subsequent to that a charge of homicide was lodged against Mr. A; a warrant of murder in the first degree was served. He was placed in jail without bail pending a trial.

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The survivors had organized into a group movement called "The Save Third Officer 'A' Movement" with the purpose of "saving and freeing the third officer, a hero, to whom we all owe our lives." Each person signed a petition to this effect. Each person had contributed financially in order to retain the best available attorneys to defend officer "A." Each was working valiently to raise more money to help with the defense.

CASE FOR MOCK TRIAL

State vs A, B, C, and D.

A, B, C, were seated in a neighborhood tavern of questionable reputation, where they had been inbibing beer for several hours. A and B were over 21 years of age, but C was 19 years of age. They had been warned three times by the proprietor to watch their behavior, or they would have to leave. The proprietor, D, assumed that all were over 21 years of age.

X, age 25, an acquaintance of B, and with whom B had previously quarreled, entered the tavern and stood at the bar where he ordered and consumed several glasses of beer during a period of about one hour. Also during this time he began to have an exchange of words with B and his companions. The insults increased in volume and intensity. Seeming unable to stand the taunts, X walked to the table where A, B, and C were seated. When he reached the table he smashed B in the face with a heavy glass beer mug. B was knocked to the floor, stunned and bleeding. Both A and C immediately struck X with their fists, knocking him partly senseless on the floor, also.

B recovered before X, stood up and was heard by the six other bar patrons to say, "I'm going to kill that no good rat," after which he charged at X. D, the bar owner had rushed to the area, and he intercepted B by pushing him aside and from X. X by this time recovered and stood up to protect himself. A and C pushed the bar owner aside and A was heard to say, "Let 'em fight." Another customer M tried to go to the pay telephone to call the police, but A and C threatened to "Stomp into the ground" anyone who tried to interfere with the fight. The other patrons were afraid to interfere.

B and X began to fight furiously with each other with an occasional push by A and C when they seemed to slow down.

Suddenly X was knocked backward by a blow from B who had just been given a shove by C. X lost his footing and fell to the floor striking the back of his head on the iron bar rail. He did not get up again. He was unconscious. A, B, and C quickly left the tavern and fled in an automobile owned by C. X was taken to the hospital where he remained unconscious for two day. On the night of the second day, he died.

A, B, and C were apprehended on the day of the fight by the state highway patrol. Driving Northwardly at a high rate of speed on the Sunshine State Parkway in apparent flight. They were arrested, and A, B, and C were charged with murder and held without bond pending trial.

D, the bar owner was charged with being an accessory before the fact and serving intoxicants to a minor. He was held pending trial.

CASE FOR MOCK TRIAL

State vs A

A, upon being awakened late at night (about 2:00 a.m.) by Mrs. A, who had heard a noise in the lower part of the house, armed himself with a rifle and a flashlight. He descended the stairs and quietly began to investigate. Hearing someone moving around in a dark closet, and receiving no response to his inquiry as to the person's identity or business there, A, believing the person to be a burglar, fired twice into the closet and mortally wounded B.

It was later ascertained that B was not a burglar, nor was he engaged in any crime. Actually, B had been admitted by a woman servant (employed in the A household) to visit her. He had hidden in the closet at the request of C when A was heard approaching.

Another woman servant, D, and Mrs. A were in the house at the time. Upon hearing the two shots, both Mrs. A and D rushed to the scene, where B died on the floor almost immediately. Mrs. A called the police. Officers X and Y arrested A and charged him with murder.

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CASE FOR MOCK TRIAL

State V.S. A, B, C, E, and Mrs. A.

Three brothers A, B, C, plan to kill D. A furnishes B and C with 33 caliber pistols and a detailed plan of D's house, so as to make entrance easy. While A is out of town, the brothers B and C decide to go ahead with the murder. B does not enter D's house, but stands beside an open window which he assisted C to force open. He remained to guard the window, cover for C and assist him if required. C commits the murder and leaves by the open window. B and C then flee to the home of a friend, E, to whom they tell a false story of being wanted for grand larceny. E hides them in his attic. A returns home, is contacted by E who tells him of his brothers' whereabouts. A confides to his wife his part in the affair. She advises that he flee immediately and assists him to leave town and to hide in a hotel room in a nearby city.

As a result of astute police work on the part of the police detectives X and Y, they apprehend all parties.

A, B, C, E, and Mrs. A. are charged with murder in the first degree.

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